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PATENT

Attorney Reference Number 1011-57071-01  
Application Number 09/919,650

### Remarks

Claims 1-7, 9-16, 18-35 and 42-71 are pending. With this amendment, the Applicants have canceled claims 8 and 17 without prejudice to renewal. The Applicants previously canceled claims 36-41 without prejudice to renewal.

In the Office action dated September 8, 2005 ["Office action"], the Examiner rejected claims 1, 2, 6, 7, 9-35, 42-48, and 50 as being unpatentable over Marmel, Microsoft Project 2000 Bible ["Marmel"] in view of Elliott, "An Introduction to Architectural Exploration" ["Elliott"]. The Applicants respectfully disagree, but have amended claims 1, 13, and 27 to expedite prosecution. In the Office action, the Examiner objected to claims 3-5, 8, and 49 as being dependent upon rejected base claim(s) but otherwise allowable. [Office action, page 14.]

**I. The combination of Marmel and Elliott is improper.**

In rejecting claims 1, 2, 6, 7, 9-35, 42-48 and 50, the Examiner modified the Gantt charts in Marmel to include the "use of loops" as in Elliott. [Office action, pages 4, 6, 9, 11 and 12.] The Examiner's modifications of Marmel with Elliott are improper. The modifications change several principles of operation of the Gantt charts in Marmel, and hence the Examiner's modifications are improper. [See MPEP 2143.01, "THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE."] The modifications also render the Gantt charts described in Marmel unsatisfactory for their intended purpose, which is another reason the Examiner's modifications are improper. [See MPEP 2143.01, "THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE."]

The Marmel Gantt charts are for real-world project scheduling in which tasks are performed once and finished. [See, e.g., Marmel, page 7.] In contrast, loops in Elliott denote iteration or at least the potential for iteration (not just single-pass performance). [Elliott, Part III.] Modifying the Marmel Gantt charts to use loops as in Elliott changes a principle of operation of the Marmel Gantt charts, in that what is scheduled is iterative, not single-pass.

Similarly, in the Marmel Gantt charts, a task has a duration and is scheduled along a real-world timeline. [See, e.g., Marmel, pages 7-8.] The duration of a task, from start to finish, is shown against the timeline. [Id.] In contrast, the real-world duration of a loop typically depends on the number of iterations of the loop. [Elliott, Part III.] Modifying the Marmel Gantt charts to

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use loops as in Elliott renders the Marmel Gantt charts unsatisfactory for their intended purpose, in that loop timing per Elliott is inconsistent with the usual timelines in the Marmel Gantt charts.

Moreover, the Marmel Gantt charts organize tasks along a timeline with a scale of months and days (or potentially hours and minutes). In contrast, loops in Elliott are organized along cycles or control steps (not months, days, hours, minutes). [Elliott, Part III, 3.5.1.] Modifying the Marmel Gantt charts to use loops as in Elliott again changes a principle of operation of the Marmel Gantt charts. What is being timed in the Marmel Gantt charts and the loops in Elliott is different.

For at least these reasons, claims 1, 2, 6, 7, 9-16, 18-35, 42-48 and 50 should be allowable.

## **II. Claims 12, 26 and 34 satisfy 35 U.S.C. § 101.**

In the Office action, the Examiner rejected claims 12, 26, and 34 as being unpatentable under 35 U.S.C. § 101. Specifically, the Examiner objected to "computer-readable medium" language in claims 12, 26 and 34 in view of statements about "computer-readable media" in the specification. According to the Examiner, such statements suggest that "media" include communication connections carrying a modulated data signal. [Office action, page 2.] The Applicants respectfully disagree with the rejections.

The Applicants understand that Patent Office policy has recently changed regarding this type of § 101 rejection, and that the Patent Office is no longer making this type of § 101 rejection. In any case, each of claims 12, 26 and 34 already recited "computer-readable medium *storing* computer-executable instructions," which is statutory subject matter even under the Examiner's position re 35 U.S.C. § 101. Claims 12, 26 and 34 should be allowable.

## **III. Claims 1-7, 9-12, 42 and 49.**

To expedite prosecution, the Applicants have added language from objected-to claim 8 to claim 1. The Applicants have canceled claim 8 without prejudice. The Applicants have also made editorial changes and changes for the sake of consistency to dependent claims 10, 42 and 49. Claims 1-7, 9-12, 42 and 49 should be allowable.

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#### **IV. Claims 51-60.**

To expedite prosecution, the Applicants have rewritten objected-to claim 3 in independent form as claim 51. As such, claim 51 recites, "wherein each of the top-level schedule and the first loop schedule includes an independently numbered set of control steps." Claims 51-60 should be allowable.

#### **V. Claims 27-30, 47 and 48.**

To expedite prosecution, the Applicants have amended independent claim 27 to recite, "wherein each of the plural nested schedules includes an independently numbered set of control steps." Marmel and Elliott, taken separately or in combination, fail to teach or suggest the above-cited language of claim 27. The Applicants have made editorial changes to dependent claim 47. The Applicants will not belabor the merits of the separate patentability of claims 28-30, 47 and 48. Claims 27-30, 47 and 48 should be allowable.

#### **VI. Claims 61-68.**

To expedite prosecution, the Applicants have rewritten objected-to claim 5 in independent form as claim 61. As such, claim 61 recites, "wherein before the displaying the first loop schedule the top-level schedule includes an icon summarizing the first loop schedule, and wherein control step timing within the top-level schedule is presented as independent of latency of the first loop schedule." Claims 61-68 should be allowable.

#### **VII. Claims 13-16, 18-26, 43-46 and 50.**

To expedite prosecution, the Applicants have amended independent claim 13 to recite, "before the presenting the second information, the first information includes an icon summarizing the second information, and wherein the timing for the block is presented as independent of latency of the sub-block." Marmel and Elliott, taken separately or in combination, fail to teach or suggest the above-cited language of claim 13. The Applicants have made editorial changes and changes for the sake of consistency to dependent claims 18, 22, 24, 43, 44, 46 and 50, and the Applicants have canceled dependent claim 17 without prejudice. The Applicants will not belabor the merits of the separate patentability of claims 14-16, 18-26, 43-46 and 50. Claims 13-16, 18-26, 43-46 and 50 should be allowable.

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**VIII. Claims 69-71 should be allowable.**

In the Office action, the Examiner stated, "the prior art of record fails to clearly teach or support the limitations of the loop schedule including control step timing that is independent of the overall timing of the Gantt chart." [Office action, page 14.] New claim 69 recites that control step timing within the first loop schedule is "presented as being independent of overall timing of the Gantt chart." Claims 69-71 should be allowable.

**IX. Conclusion.**

Claims 1-7, 9-16, 18-35 and 42-71 should be allowable. Such action is respectfully requested.

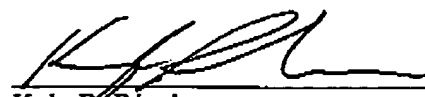
**X. Request for interview.**

In view of the preceding remarks, the Applicants believe the application to be allowable. If any issues remain, however, the Examiner is formally requested to contact the undersigned attorney at (503) 595-5300 prior to issuance of the next communication in order to arrange a telephonic interview. This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Respectfully submitted,

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